

REMARKS

In accordance with the forgoing, claims 1, 2, 5-8, 11-14, 17-20, 23 and 24 have been amended. Claims 1-24 are pending and under consideration.

I. Rejection Under 35 USC § 112

Claims 1-12, 14, 15, 17, 18, 20, 21, 23 and 24 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 7 have been amended to more clearly set forth measuring peak amplitudes an storing one or more of the measured peak amplitudes. Claims 2, 6, 8, 12, 14, 18, 20 and 24 have been amended to more clearly set forth the one or more measured peak amplitudes, and claims 5, 11, 17 and 23 have been amended to more clearly set forth comparing the one or more of the measured peak amplitudes of the cardiac signal to the sensing threshold and issuing a sense event signal when the one or more of the measured peak amplitudes meets the sensing threshold. Accordingly, withdrawal of the rejections is respectfully requested.

II. Rejections Under 35 USC § 102

Claims 1-6 and 13-18 stand rejected under 35 USC § 102(b) as being anticipated by U.S. Patent No. 5,339,820 to Henry et al. ("Henry"). Applicants assert that the claims of the present invention are patentably distinguishable from Henry and the rejection is respectfully traversed.

The present invention is directed to measuring peak amplitudes of the cardiac cycle once detection criteria associated with detection or potential detection of a tachyarrhythmia episode are satisfied, so that the peak amplitudes measured during an arrhythmia can be later utilized by a physician to decisions pertaining to sensitivity during arrhythmia events.

Henry teaches automatically controlling sensitivity in which the sensitivity is adjusted from a low value utilized prior to the start of the cardiac cycle to a value corresponding to the measured amplitude during detecting of a ventricular complex. The sensitivity subsequently decreases in stages to return to the initial low value.

Henry does not teach transmitting the stored one or more of the peak amplitudes to an external device, and transmitting an adjustment to the sensing threshold from the external device to the implantable medical device, the adjustment to the sensing threshold being in response to transmitted stored one or more of the measured peak amplitudes, as set forth in independent claims 1 and 13 of the present invention. Therefore, claim 1 and claims 2-6 dependent thereon and claim 13 and claims 14-18 dependent thereon are patentably distinguishable from Henry. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 7-12 and 19-24 stand rejected under 35 USC § 102(b) as being anticipated by U.S. Patent No. 5,658,317 to Haefner et al. ("Haefner"). Applicants assert that the claims of the present invention are patentably distinguishable from Haefner and the rejection is respectfully traversed.

Similarly, Haefner teaches setting a variable sensing threshold to a level proportional to the peak value of the amplitude and then decreasing the variable sensing threshold in discrete steps until the threshold is at a low threshold value.

Haefner does not teach transmitting the stored one or more of the peak amplitudes to an external device, and transmitting an adjustment to the sensing threshold from the external device to the implantable medical device, the adjustment to the sensing threshold being in response to transmitted stored one or more of the measured peak amplitudes, as set forth in independent claim 7 and 19 of the present invention. Therefore, independent claim 7 and claims 8-12 dependent thereon and independent claim 19 and claims 20-24 dependent thereon are patentably distinguishable from Haefner. Accordingly, withdrawal of the rejection is respectfully requested.

III. Conclusion

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this Amendment, the Examiner is requested to telephone the undersigned attorney to attend to those matters.

Respectfully submitted,

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Date

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